

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	NO. 1:21-CR-00329
	:	
v.	:	(JUDGE CONNER)
	:	
JOSE RAMON ADORNO, JR.	:	
	:	
Defendant.	:	

GOVERNMENT'S OPPOSITION TO MOTION TO PERMIT  
THE USE OF MEDICAL MARIJUANA

COMES NOW, the United States of America, through Assistant United States Attorney Paul J. Miovas, Jr., and files this, the government's opposition to the defendant's motion to permit the use of medical marijuana while on release in the underlying criminal case. On January 5, 2022, defense counsel, Lori Ulrich, informed undersigned counsel for the government that she intended to file the motion to permit marijuana use. On January 6, 2022, government's counsel, believing the federal law on the issue clearly prohibited the use of marijuana – even if for “medical” purposes, informed the defense that the government would take “no position” on the motion.

On January 7, 2022, the government informed defense that it would be filing this opposition to the motion to clarify any misimpression that may have been conveyed based on undersigned counsel's “no

position" response. The government does oppose the request to permit the use of "medical marijuana" because the current federal law does not permit such use. *See Elansari v. Ragazzo*, 2021 WL 2069957 (3d Cir. May 24, 2021) citing *United States v. Oakland Cannabis Buyers' Cooperative*, 532 U.S. 483 (2001) (holding that there is no medical-necessity exception to the Controlled Substances Act's prohibitions on manufacturing and distributing marijuana).

Thus, because federal law currently prohibits the possession and use of marijuana, even for medical purposes, the government respectfully requests that Adorno's motion be denied.

Respectfully submitted,

JOHN C. GURGANUS  
United States Attorney

Dated: January 7, 2022

s/ Paul J. Miovas, Jr.  
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